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July 23, 2018

The Honorable Gregory M. Sleet  
U.S. District Court  
District of Delaware  
844 North King Street  
Room 4209, Unit 18  
Wilmington, DE 19801

Re: Norcross v. Metzger, et al., C. A. No. 12-09-GMS

Dear Judge Sleet:

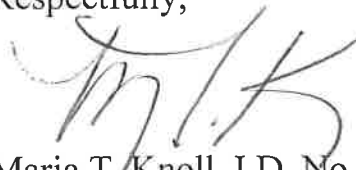
The parties have discussed a proposed briefing scheduling based upon Your Honor's Order, dated June 29, 2018, but have been unable to come to an agreement. Upon review of the docket in Petitioner's case, it is the State Respondents' position that briefing, pursuant to Your Honor's Order, dated January 24, 2012, has been completed.

The initial federal habeas petition (93 pages) was filed on February 24, 2012. State Respondents answered on June 25, 2012. Petitioner filed a traverse (50 pages) on October 11, 2012. On September 25, 2014, Petitioner filed a Supplemental Pleading in Support of Petition for Writ of Habeas Corpus (37 pages), which State Respondents answered on November 21, 2014. Petitioner filed a reply on December 11, 2014 (18 pages). On April 2, 2015, at Petitioner's request, the Court stayed the proceedings pending the outcome of *Hurst v. Florida*. The Court continued the stay pending litigation in the Delaware state courts regarding the effect of *Hurst*. On February 22, 2016, Petitioner, with State Respondents' consent, filed an Amendment to the Petition based upon *Hurst*, seeking relief from the capital sentence. In light of the state court decisions in *Rauf* and *Powell* providing Norcross with the relief requested, any *Hurst* claim is now moot.

During the six years that the habeas petition has been pending in this Court, Petitioner has failed to exhaust his unexhausted guilt phase claims in the state courts. Petitioner does not present a credible claim of actual innocence. The guilt phase

claims in the present petition have been fully briefed. At this point, State Respondents cannot discern any claims requiring a new scheduling order and request that Your Honor decide the case on the current briefing.

Respectfully,



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